



ERIE COUNTY WATER AUTHORITY INTEROFFICE MEMORANDUM

December 9, 2024

To: Terrence D. McCracken, Secretary to the Authority
From: Michael J. Quinn, PE, Senior Distribution Engineer
Subject: Contract MP-086
Ball Pumping Station Improvements – Phase 1
Professional Services Agreement Amendment No. 3
ECWA Project No. 202000177

The following material is attached:

- Authorization Form requesting Board Authorization to execute the attached Amendment No. 3 to Professional Service Agreement with Arcadis of New York, Inc. (Arcadis)
- Amendment No. 3 to Professional Service Agreement for the above-referenced project.

As part of the Special Services for the above-reference project, the Authority Engineering Department has requested that Arcadis conduct an in-depth assessment of project costs as well as a review of the proposed construction sequence and project cashflow. The results of this assessment will be used to refine future capital budget requests which, given the size of the project and future budget constraints, will be critical. In addition, during the actual construction project, Arcadis will be required to provide a number of Special Inspections which will be paid from Special Services. This Amendment will allow an increase in Special Services of \$100,000.00, which will provide the necessary funds to complete the cost/schedule assessment and allow for funding of future Special Services costs.

	Original Contract	Amendment No.1	Amendment No.2	Amendment No.3	Original Contract + All Amendments
Lump Sum Basis of Design	\$195,000	\$0	\$0	\$0	\$195,000
Lump Sum Design	\$470,000	\$70,301	\$0	\$0	\$540,301
Lump Sum General Services	\$160,000	\$0	\$0	\$0	\$160,000
Lump Sum Record Drawings	\$10,000	\$0	\$0	\$0	\$10,000
Lump Sum Authority Program/Procedure Updates	\$20,000	\$0	\$0	\$0	\$20,000
Estimated Resident Inspection (not to exceed amount)	\$275,000	\$0	\$0	\$0	\$275,000
Estimated Special Services (not to exceed amount)	\$50,000	\$18,600	\$50,000	\$100,000	\$218,600
TOTALS	\$1,180,000	\$88,901	\$50,000	\$100,000	\$1,418,901

2024 and 2025 Budget Information (Engineering):

Unit: 2520 Eng/Const Control

Item 101512 Ball PS Pumping Improvements

MJQ:jmf

Attachments

cc: L.Kowalski

W.Wheeler

CONT-MP-086-2001-X-01

ERIE COUNTY WATER AUTHORITY
 AUTHORIZATION FORM
 For Approval/Execution of Documents
 (check which apply)

Contract: MP-086 **Project No.:** 202000177
Project Description: Ball Pump Station Phase-1 Rehabilitation

Item Description:

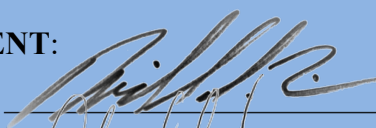

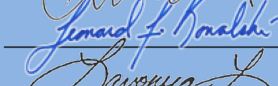

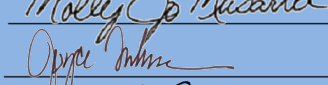
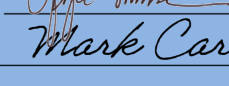

Agreement Professional Service Contract Amendment Change Order
 BCD NYSDOT Agreement Contract Documents Addendum
 Recommendation for Award of Contract Recommendation to Reject Bids
 Request for Proposals
 Other _____

Action Requested:


Board Authorization to Execute Legal Approval
 Board Authorization to Award Execution by the Chairman
 Board Authorization to Advertise for Bids Execution by the Secretary to the Authority
 Board Authorization to Solicit Request for Proposals
 Other _____

Approvals Needed:

APPROVED AS TO CONTENT:

<input checked="" type="checkbox"/> Sr. Distribution Engineer		Date: <u>12/9/2024</u>
<input checked="" type="checkbox"/> Chief Operating Officer		Date: <u>12/09/2024</u>
<input checked="" type="checkbox"/> Executive Engineer		Date: <u>12/9/2024</u>
<input checked="" type="checkbox"/> Director of Administration		Date: <u>12/09/2024</u>
<input checked="" type="checkbox"/> Risk Manager		Date: <u>12/9/2024</u>
<input checked="" type="checkbox"/> Chief Financial Officer		Date: <u>12/09/2024</u>
<input checked="" type="checkbox"/> Legal		Date: <u>12/09/2024</u>

APPROVED FOR BOARD RESOLUTION:

<input checked="" type="checkbox"/> Secretary to the Authority		Date: <u>12-9-2024</u>
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Remarks: Amendment No. 3

Resolution Date: _____ **Item No:** _____

**AMENDMENT NO. 3
PROFESSIONAL SERVICES AGREEMENT**

AMENDMENT, effective December 19, 2024 (“Amendment No. 3”) to the Professional Services Agreement (Contract No. MP-086), effective on June 18, 2020, by and between:

ERIE COUNTY WATER AUTHORITY
295 Main Street, Room 350
Buffalo, New York 14203

hereinafter referred to as the “Authority,” and

ARCADIS OF NEW YORK, INC.
Key Center at Fountain Plaza
50 Fountain Plaza, Suite 360
Buffalo, New York 14202

hereinafter referred to as the “Engineer.”

WHEREAS, on June 18, 2020, the Authority and the Engineer entered into a professional services contract for engineering and consulting services relating to Phase I of the rehabilitation of the Ball Pump Station (the “Contract”); and

WHEREAS, on June 16, 2022, the Authority and the Engineer entered into Amendment No. 1 to amend the scope of services and increase the Engineer’s fees; and

WHEREAS, on September 20, 2023, the Authority and the Engineer entered into Amendment No. 2 to increase the Special Services amount to provide funds to conduct a feasibility study; and

WHEREAS, based on the recommendation of the Authority’s Chief Executive Officer and Executive Engineer, the Authority seeks to amend the Agreement to increase the total not to exceed amount for Special Services to enable the Engineer to complete a cost assessment of the project and for special services necessary during construction; and

WHEREAS, the Engineer has requested additional budget of \$100,000 for Special Services to complete the study; and

WHEREAS, in accordance with article 5, paragraph 5.02 of the Contract, any modification or variation from the terms of the Contract, must be in writing, authorized by a resolution of the Board of Commissioners of the Authority (the “Board”), and signed by all

parties to be effective;

NOW THEREFORE, in consideration of the mutual promises herein set forth, the parties agree to the following:

- (1) The parties agree to amend article 4, paragraph 4.04, subparagraph (C) to increase the total not to exceed by \$100,000, changing the current figure of \$118,600 to \$218,600.00; and
- (2) The parties agree all other terms and conditions of the Contract shall remain without change or amendment; and
- (3) This Amendment may be executed in counterparts, each of which is deemed an original, but all of which together are deemed to be one and the same agreement.

IN WITNESS WHERETO, the parties have caused this Amendment No. 2 to be signed by their respective duly constituted officers, attested and sealed pursuant to proper authority.

ERIE COUNTY WATER AUTHORITY

By _____
Jerome D. Schad, Chair

ARCADIS OF NEW YORK, INC.

By _____
Jason J. Williams, PE, Principal Civil Engineer

STATE OF NEW YORK)
COUNTY OF ERIE) ss:

On the _____ day of December, in the year 2024, before me personally came Jerome D. Schad, to me known, who, being by me duly sworn, did depose and say that he resides in Amherst, New York, that he is the Chair of the Board of Commissioners for the Erie County Water Authority described in the above instrument; and that he signed his name thereto by order of the Board of Commissioners.

Notary Public

STATE OF NEW YORK)
COUNTY OF ERIE) ss:

On the _____ day of _____, in the year 202_, before me personally came Jason J. Williams, PE, to me known, who, being by me duly sworn, did depose and say that he resides in _____, New York, that he is the Principal Civil Engineer of the Corporation described in the above instrument; and that he signed his name thereto by order of the Board of Directors of said Corporation.

Notary Public